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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 10406—I. & C. 6-18, dated 17th April 1919.

Rules under the Mysore Companies Regulation, VIII of 1917.

In exercise of the powers conferred by Section 151 of the Mysore Companies Regulation, VIII of 1917, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules which will take effect from the date of their publication in the *Mysore Gazette*:—

Short title.

1. These rules may be called The Mysore Companies Rules, 1919.

Definitions.

2. In these rules,

- (1) The "Regulation" means The Mysore Companies Regulation, VIII of 1917.
- (2) The "Schedule" means The Schedule hereto annexed.
- (3) The decision of the Registrar as to the meaning of the words "Responsible officer" shall be final.

Verification under Section 104 of the Regulation.

3. Copies of contracts required to be filed with the Registrar under Section 104 of the Regulation shall be deemed to be duly verified if they are—

- (1) Certified copies as defined in Section 76 of the Indian Evidence Act (1 of 1872); or
- (2) Certified by an affidavit of some responsible Officer of the Company to be true copies.

Verification under Sections 109 and 110 of the Regulation.

4. A copy of an instrument by which a mortgage or charge is created or evidenced delivered to the Registrar for filing under Section 109 of the Regulation, or a copy of a deed so delivered under Section 110 of the

Regulation, shall be deemed to be verified in the prescribed manner if it is—

- (1) A certified copy as defined in Section 76 of the Evidence Act; or
- (2) Certified by an affidavit of some responsible Officer of the Company to be a true copy:

Provided that a copy of such an instrument or deed where the mortgage or charge comprises solely property situate outside the State of Mysore shall be deemed to be so verified if it is certified to be a true copy under the seal of the Company or under the hand of some person interested therein otherwise than on behalf of the Company.

Translations.

5. If any portion of any document required to be filed under the Regulation other than under Section 277 thereof is not either in the English language or in *Kannada*, an English translation thereof, certified by a responsible Officer of the Company to be correct, shall be furnished along with each copy deposited with the Registrar.

Fees for registering mortgages and charges.

6. The following fees shall be payable for the registration of mortgages and charges, viz.:

- (1) For registering under Section 110 of the Regulation particulars of a series of debentures:—
Where the total amount secured by the whole series does not exceed Rs. 2,000 Rs. 5.
Where it exceeds Rs. 2,000 " 10.
- (2) For registering under Section 112 (1) Mortgages or charges created by a Company:—
Where the amount of the mortgage or charge does not exceed Rs. 2,000 Rs. 5.
Where it exceeds Rs. 2,000 " 10.
- (3) For inspection under Section 112 (3) of the Register of mortgages and charges Re. 1.
- (4) For registration under Section 118, of the appointment of a Receiver Rs. 5.

Certification of documents under Section 277 of the Regulation.

7. A copy of a document required to be filed with the Registrar under Section 277 of the Regulation shall be deemed to be certified in the prescribed manner:—

A. In the case of a Company incorporated in Mysore or in any part of His Majesty's dominions if it is,

- (1) duly certified as a true copy by an official of the Government to whose custody the original is committed, or
- (2) duly certified as a true copy by a Notary Public of such place, or
- (3) duly certified as a true copy on oath by some officer of the Company before some person having authority to administer an oath in such place.

B. In the case of a Company incorporated in a foreign territory in India or in a foreign country, if

- (1) duly certified as a true copy by an official of the Government to whose custody the original is committed, the signature or seal of such official being authenticated by any of the British Officials mentioned in Section 6 of the Commissioners of Oaths Act 1889, 52 and 53 Vict. C. 10 or in any Act amending the same, or
- (2) duly certified as a true copy by a Notary of such foreign country, the certificate of the

Notary being authenticated by any of the British officials mentioned in Section 6 of the said Act, or in any Act amending the same, or

- (3) duly certified as a true copy on oath by some officer of the Company before a person having authority to administer an oath, as provided by Section 3 of the said Act, the status of the person administering the oath being authenticated by any of the British Officials mentioned in Section 6 of the said Act or in any Act amending the same.

8. Translations of documents required to be filed with the Registrar under Section 277 of the Regulation shall be deemed to be certified as correct translations; if certified to be correct translations,

Certification of translation under Section 277.

A. Where such translation is made outside the Mysore State by

- (1) An official having custody of the original.
- (2) A Notary Public for the country or place where the Company is incorporated.

Provided that, where the Company is incorporated in a foreign territory in India or in a foreign country, the signature or seal of the person so certifying shall be authenticated in either case by any of the British Officials mentioned in Section 6 of the Commissioners of Oaths Act 1889, 52 and 53 Vict. C. 10 or in any Act amending the same.

B. Where such translation is made within the Mysore State.

- (1) By an Advocate, entitled to appear before the Chief Court, or,
- (2) By an affidavit of some person having in the opinion of the Registrar, a competent knowledge of the language of the original and of English.

9. The Government of His Highness the Maharaja of Mysore, may in any particular case if they think fit and upon such conditions as they may prescribe, permit certified copies or translations though not certified in accordance with Rules 7 and 8 to be filed with the Registrar.

Power of Government to relax Rules 7 & 8.

10. Notice of any alteration which is required by Section 227 (1) of the Regulation to be filed with the Registrar shall be so filed within one month after the date on which particulars of the alteration could in due course of post, and if despatched with due diligence have been received by the Registrar from the place where the Company is incorporated.

Time for filing alterations of particulars under Section 227.

11. The Government of His Highness the Maharaja of Mysore, further prescribe and direct that the forms in the schedule or forms as near thereto as circumstances admit shall be used in all matters to which these forms relate.

Forms.

12. All fees payable under the Regulation shall be paid either in cash or by Mysore Court-fee stamps.

Payment of fees.

By Order,

P. G. D'SOUZA,

Secretary to Government,
Departments of Education and Agriculture.